

# **Appendix A**

**Appendix A.1**  
**Alleged Defamatory Statements**

#	Alleged Statement	Actual Statement
1	“‘Activities of . . . Particle Health’ are responsible for ‘serious concerns about security and privacy’ of patient medical records.” (¶ 206(i).)	“This Third-Party Security and Privacy Risk Notification outlines events that have led Epic to file a formal dispute with Carequality over serious concerns about security and privacy arising from activities of a third-party participant implementer in Carequality (Particle Health)”. (Ex. 2 at 1.)
2	“Particle Health has ‘inaccurately represent[ed] the purpose associated with [its] record retrievals.’” (¶ 206(ii).)	“At the Care Everywhere Governing Council’s recommendation, due to the significant security and privacy concerns, on March 21, 2024, Epic filed a formal dispute with Carequality on the grounds that Particle Health might not be fulfilling its obligations as a Carequality implementer, and based on the concern that <b><i>Particle Health and its participant organizations might be inaccurately representing</i></b> the purpose associated with their record retrievals.” (Ex. 2 at 2 (emphasis added).)
3	“Particle Health has not ‘fulfill[ed] its obligations as a Carequality implementer.’” (¶ 206(iii).)	“At the Care Everywhere Governing Council’s recommendation, due to the significant security and privacy concerns, on March 21, 2024, Epic filed a formal dispute with Carequality on the grounds that <b><i>Particle Health might not be fulfilling</i></b> its obligations as a Carequality implementer, and based on the concern that Particle Health and its participant organizations might be inaccurately representing the purpose associated with their record retrievals.” (Ex. 2 at 2 (emphasis added).)
4	“Particle Health has ‘obscur[ed] provider-level details of connections through a generic gateway.’” (¶ 206(iv).)	“This Third-Party Security and Privacy Risk Notification outlines events that have led Epic to file a formal dispute with Carequality over serious concerns about security and privacy arising from activities of a third-party participant implementer in Carequality (Particle Health), including . . . demonstrating a pattern of a lack of transparency, including obscuring provider-level details of connections through a generic gateway and declining to provide full information requested about their connections over the course of several months”. (Ex. 2 at 2.)

#	Alleged Statement	Actual Statement
5	“Particle Health has ‘admitted wrongdoing’ in connection with its customers’ retrieval of medical records.” (¶ 206(v).)	“Particle Health recently <i>acknowledged that one of Particle’s customers, Integritort, accessed patient records inappropriately</i> through Carequality. Integritort requested records falsely asserting they were providing treatment, but it uses medical records to identify potential plaintiffs for class action lawsuits. While we do not agree with Particle’s framing of the issue, we are pleased that after eight months of resistance they have now <i>acknowledged wrongdoing</i> and have provided a contact for assisting you in your investigation.” (Ex. 3 at 1 (emphasis added).)

**Appendix A.2**  
**Alleged Libelous Statements**

#	Alleged Statement	Actual Statement
6	“Particle’s platform poses a ‘security and privacy risk.’” (Compl. ¶ 214(i).)	“Issue Notification: Third-Party Security and Privacy Risk”. (Ex. 2 at 1 (Subject line of the document).)
7	“Particle’s platform was unable to retrieve Epic-stored medical records for any customers because Epic had ‘suspended Particle Health’s . . . gateway connection.’” (Compl. ¶ 214(ii).)	<p>“While the Carequality dispute is in progress and the ongoing potential for risks remains high, pursuant to the Epic Carequality Phonebook Support Policy, Epic Carequality Administrators suspended Particle Health’s generic gateway connection on March 21 as Epic and the Care Everywhere Governing Council were unable to verify a Treatment Permitted Purpose.” (Ex. 2 at 2.)</p> <p>“After consideration of the information known at the time, the Care Everywhere Governing Council directed Epic to file a formal dispute with Carequality as provided in the Carequality framework agreement, and to suspend Particle Health’s gateway connection to Epic community members while the Carequality dispute is pending. On March 21, Epic filed a formal dispute with Carequality, and Epic Carequality Administrators suspended Particle Health’s gateway connection to Epic community members.” (Ex. 2 at 4.)</p>